

*The City of Winnipeg
Act Review 1984-85*

Our City In Review

Issues Paper



The City of Winnipeg Act Review 1984-85

Can You Help Us?

We are The City of Winnipeg Act Review Committee. We have been appointed by the government of Manitoba to review how the City of Winnipeg is operating and to recommend changes that might be made to The City of Winnipeg Act to improve the operations of the City. Our review will range from broad issues such as the structure of political leadership to very specific questions about how services are to be delivered and by which level of government. The one question that we will not consider is municipal assessment.

This issues paper is intended to focus attention on major areas of public concern — all the issues mentioned here have been brought to our attention by citizens who have contacted us, or by the media, and are considered by the Review Committee to be the most important at this time.

If you want to contribute to our work by commenting on these issues, or by bringing other matters to our attention, your participation would be welcome.

Here's How:

We want to identify matters that concern you regarding the operation of The City of Winnipeg. The matters can be general, relating to the organization and performance of the political and administrative systems of the City. Or the concerns can be specific, related perhaps to your personal experiences in dealing with City government.

You can contribute by preparing a written brief or by appearing at a public hearing, or both. You may speak for yourself or get together with others with similar views.

In any case it would be helpful if you would contact the Review Committee Secretary — Gordon Mackie — at 945-2492 to let us know that you intend to contribute.

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Foreword:

Thank you for reading this issues paper. We hope you will find it informative and helpful.

Our job is to review the City of Winnipeg Act and to make suggestions to the provincial government that might improve the way in which our City operates.

We clearly have a large task ahead of us. Your help is so important in fulfilling that task.

That you have the issues paper in your hands shows that you are interested in how you as a citizen can be involved in making changes. We have written the issues paper to help you form in your own mind the way in which those changes can be best put into practice.

Our Committee was formed in June of 1984. The Province asked us to look in general at the activities and operations of the City of Winnipeg, and in particular at five major issues that affect city government.

1. The relationship between local areas and the city as a whole;
2. The relationship between rural municipalities on the edge of the city and the city itself;
3. The relationship between the province and the city;
4. Citizen participation in the democratic process;
5. The way planning is done by the city.

Our recommendations must be reported to the province by August 31, 1985, and we intend to keep to that deadline.

We decided early on that we would not meet in an ivory tower and decide on our own what the problems were and what the solutions are. We decided that what the people of Winnipeg deserved was a committee that would ask of them some very hard questions about the kind of city they wanted and the kind of government system they wanted.

We decided that a city government should reflect what is possible, not what is ideal. Further, we have agreed that once people elect their representatives, those representatives have the right — and the duty — to exercise their best judgement on the issues that face them, and that it is not for our committee to judge their decisions.

It is within this framework that we are issuing this paper. In the following pages there is more on the general principles we are using to look at the City, and on the specific issues we think are important.

But what we ask you to keep in mind is that we are open to other ideas, and to criticisms, and to suggestions. We welcome people who disagree with what we say. We believe that we are flexible and will change our minds if we can be persuaded that we were misguided, or wrong.

We hope you find this paper interesting.

We have written this paper to help guide you if you want to make presentations to us. We will accept presentations in two forms:

- in written form at any time;
- in public hearings to be held in the early months of 1985.

Please note that the public hearings will be held over a period of 12 weeks, and that we are asking people either to make a general submission on matters of general principle, or to appear before us on specific issues to be dealt with at specific times.

We will also be meeting privately on request with people whose occupations make it difficult for them to meet publicly and be completely frank — for instance civil servants and some elected officials. If you believe that you should meet with us privately, please contact us and discuss it.

Whether or not you plan to attend the public hearings or make a presentation to us, you are welcome to be on our mailing list and to receive copies of everything that comes from the Committee.

The Province has made no promises to put into law any of the suggestions we make. If we can demonstrate, however, that the people of Winnipeg expect some changes, and that changes are desirable, then we believe that our suggestions will be of great value to the people of Winnipeg.

Thank you again for your participation in what we hope will be an exciting year!

Laurie Cherniack

November, 1984

The City of Winnipeg Act Review Committee



The Review Committee (Left to Right): Alan Artibise, Gordon Mackie (Secretary), Lawrie Cherniack (Chairperson), Donald MacDonald, Donald Epstein, Paul Thomas

Lawrie Cherniack is a lawyer with the Public Interest Law Department of legal Aid Manitoba. Prior to joining the department he practised labour and administrative law with Skwark, Myers and Associates.

He was a City Councillor in the first three years of Unicity. Prior to that, he worked as a community development worker and organizer in the core area of Winnipeg.

As well, Mr. Cherniack has been a frequent contributor to CBC's Information Radio, including a regular stint from 1975 to 1977 as the City Hall commentator.

Mr. Cherniack was Vice-Chairperson of the Manitoba Human Rights Commission from 1982 to 1984.

He has served on numerous boards, including the Library Board, Neighbourhood Services Centre, Health Sciences Centre, Canadian Mental Health Association, Manitoba Theatre Centre, Winnipeg Symphony and Prairie Theatre Exchange.

Donald Epstein is a planning and socio-economic consultant with extensive experience in core area, urban, and rural development projects. Currently a Partner in I.D. Engineering Company, he has provided professional services on a wide variety of public and private sector projects. Among his clients have been the City of Winnipeg, the Core Area Initiative, Red River ARC Authority, R.M. of Macdonald, urban and rural land developers, Indian bands, and provincial and federal government departments.

Mr. Epstein has authored many reports and publications on urban issues. He has also researched and taught urban politics and political science at universities in Canada, Denmark, and the United States.

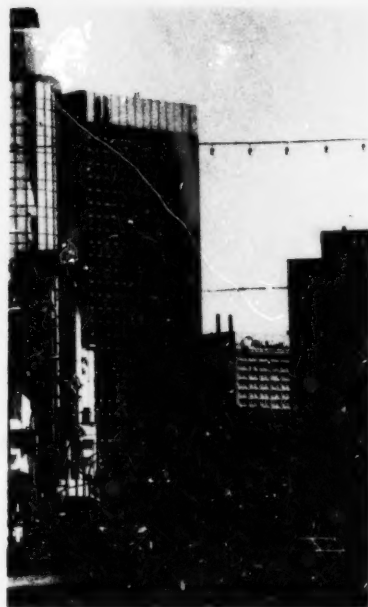
Mr. Epstein has been president of a Winnipeg non-profit social housing corporation, assistant director of the Institute of Urban Studies, planning consultant to the City of Copenhagen, and special assistant to the Deputy Mayor of the City of Hartford.

Over the past ten years, he has worked with a number of local community organizations, including the old Midland Community Residents' Advisory Group, Clinic Community Health and Social Service Centre, the United Way, Broadway-Optimist Community Club, and the Chamber of Commerce.

Donald MacDonald, now retired, was appointed the first Chief Commissioner of the City of Winnipeg in 1972. Prior to that he was Director of Streets and Transit and subsequently Executive Director of the Metropolitan Corporation of Greater Winnipeg. Mr. MacDonald also served as General Manager of the Greater Winnipeg Transit Commission prior to Metro and before that served in several senior positions with the privately-owned Winnipeg Electric Company.

Alan F. J. Artibise is the Director of the Institute of Urban Studies and a Professor of Urban Studies and History at the University of Winnipeg. He is also a regular commentator on urban affairs on CBC Radio. Dr. Artibise has published numerous books and articles on the history and development of the city, including *Winnipeg: An Illustrated History* and *Winnipeg: A Social History of Urban Growth*. He was made an "Honourary Citizen" of Winnipeg in 1977. In recent years, Professor Artibise has been very active in community affairs and currently serves on the boards of the Museum of Man and Nature, the Age and Opportunity Centre, the Manitoba Multicultural Resources Centre, and the Manitoba Record Society. In September 1984, he organized a successful conference on the city's future: "Winnipeg 2000: Exploring Strategic Development Options."

Paul G. Thomas is the Chairperson of the Joint Masters Program in Public Affairs offered by the Universities of Manitoba and Winnipeg and is an Associate Professor in Political Studies at the University of Manitoba. Dr. Thomas has published articles on budgeting, federal-provincial relations, administrative reform, and parliamentary government. He has served as a consultant to federal and provincial governments and to two royal commission inquiries.



The City of Winnipeg Act — Our Civic Constitution

The present City of Winnipeg was created by the provincial government when the Manitoba Legislature passed a law known as The City of Winnipeg Act in 1971.

Under the Canadian Constitution, provincial governments are responsible for creating municipal institutions. Here in Manitoba the provincial government has passed many laws over the years, providing for the establishment of municipal governments and setting out their powers and responsibilities. These laws, which serve as "civic constitutions," are amended by the provincial government regularly in order to respond to changing local circumstances.

For example, in 1961 the provincial government passed a law creating the Metropolitan Corporation of Winnipeg, which assumed responsibility for major regional municipal services in the metropolitan Winnipeg area. Ten years later the provincial government passed a new law — The City of Winnipeg Act — which amalgamated Metro and the 12 area municipalities and replaced them with a new unified city government — Unicity.

The City of Winnipeg Act is actually a very long and often complicated document which establishes just what our city government can and cannot do:

1. The Act creates the legal body we call the City of Winnipeg, defines its boundaries, and provides for the election of the Mayor and City Council to run it.
2. The Act defines a general framework for the political and administrative organization of city government, providing for the establishment of the various council committees, the appointment of senior civic administrators, and the determination of basic procedures to be followed in making decisions on municipal matters.
3. The Act grants general powers to the City to look after local matters, and spells out in detail just what the City can and should do

to fulfill its specific responsibilities for managing, financing, regulating and planning activities to meet the needs of our metropolitan community. These specific activities which are listed briefly on the following pages, determine the basic quality of urban life enjoyed by the citizens of Winnipeg.

Thus, within the context of all the other laws passed by the Government of Canada and the Province of Manitoba, The City of Winnipeg Act constitutes a special urban government structure and defines the City's fundamental powers and procedures.

The provincial government is responsible for ensuring that the Act is regularly updated to provide for a sound government structure, with appropriate powers and fair procedures.

The provincial government has appointed The City of Winnipeg Act Review Committee just for this purpose, to provide advice on the need to improve the Act — our civic constitution.

However, it is important to understand that while sound structures can facilitate better decision-making, they will not by themselves guarantee "good government." The elected City Council is necessarily responsible for making wide-ranging decisions on the actual implementation of each of its specific responsibilities.

In reviewing all of the issues which will be brought to its attention, the City of Winnipeg Act Review Committee will be constantly asking whether a solution should be found in legislative change to the Act, or if the particular matter is better dealt with by the political and administrative processes already in place in Winnipeg.

Civic Responsibilities in the '80s

Managing Urban Services

The City of Winnipeg and its various utilities and enterprises have a total of 8,700 permanent employees and are managing gross annual expenditures of more than \$700 million.

In accordance with The City of Winnipeg Act, the city government is responsible for providing an impressive array of services to meet the needs of its 600,000 people.

1984 Gross Expenditures (Estimate \$ Millions)

Major Services		Debt and Finance Charges	
Public Works and Operations (Maintenance of Streets, Water, Sewer, Garbage)	65.4	Debentures, Reserves, etc.	74.8
Police Department	48.9	General Government	
Fire Department	37.1	Council and City Administration	20.5
Parks and Recreation	44.8	Employee Benefits	23.6
Libraries and Museums	8.0	Capital Construction	
Social Services	36.3	Street System	33.6
Health	4.5	Land Drainage	11.4
Municipal Hospitals	19.9	Culture and Recreation	4.9
Ambulance Service	5.8	Hydro	5.0
Winnipeg Hydro	66.3	Transit	3.8
Steam Heating System	4.2	Waterworks	6.2
Transit System	59.9	Sewage Disposal	11.3
Waterworks	33.3	Local Improvements	5.0
Sewage Disposal	25.4	Other (Core Area Community Improvement, Municipal Hospitals, Civic Properties, Police, Fire Solid Waste Disposal, etc.)	26.7
Environmental Planning	7.8		
Assessment	3.7		
Non-Departmental Grants, Taxes, Payments to other Authorities (Convention Centre, Winnipeg Enterprises, etc.)	16.4		
		TOTAL 1984 GROSS EXPENDITURE ESTIMATE	714.5

Financing Urban Services

The City raises the money to pay for these services and projects in many ways, in accordance

with various provisions of The City of Winnipeg Act. Some of the major revenue sources for 1984 are:

1984 Gross Revenue (Estimate \$ Millions)

Taxation			
Property Tax	250.7	Prior Year's Surplus, Hydro Profit, other	13.4
Business Tax and Licenses	30.2	City Reserve Funds	16.5
Electricity, Gas and Steam Heating Tax	6.9	Debenture Borrowing	75.4
Amusement Tax	1.7	Utility Charges	
Other Revenues		Hydro Sales, etc.	69.4
Provincial Grants	85.4	Steam Heat Sales	3.5
Provincial Reimbursement for Hospital, Medical and Welfare Costs	31.0	Transit Fares, etc.	29.7
Federal Reimbursement (Indian Affairs)	2.0	Water Sales, etc.	26.6
Permits, Licenses, Fines, Rentals, Sales, Fees	25.6	Sewer Charges	24.8
Ambulance Fees	2.2	TOTAL 1984 GROSS REVENUE ESTIMATE	
Investment Earnings, etc.	19.5		<u><u>714.5</u></u>

School Taxes

The City is also required to collect property taxes levied by the Provincial Government and the School Divisions for school purposes. The City is collecting a total of \$195.2 million in property taxes for schools.



Regulating Urban Activities

In addition to managing all these services and raising the necessary revenues, the city government is responsible for adopting and enforcing regulations (or "by-laws") "for the health, safety, and welfare of the inhabitants and for the peace, order and good government of the city" (Section 126 of The City of Winnipeg Act.)

Some of the major areas of urban activity regulated by the City are:

- Land Use (Subdivision and Zoning)
- Building Standards, Construction, and Conservation
- Public Health and Sanitation
- Commercial Trade
- Streets and Traffic
- Environmental Protection

Planning the City's Future

In accordance with The City of Winnipeg Act, the city government is responsible for preparing, publishing, adopting and following certain major plans:

- Greater Winnipeg Development Plan
- Community Plans
- Action Area Plans

- Five-year Capital Expenditure Program (1985-89 Estimate: \$600 Million)

These plans are to incorporate those measures which the City Council considers should be undertaken for the improvement of the physical, social, and economic environment of Winnipeg.

Such measures may include not only the services managed and financed by the City, and the activities that it regulates, but also recommendations for complementary action by other governments and the private sector. Indeed, City Council often endeavours to articulate and represent the common interests of Winnipeg citizens on significant regional, provincial, national, and international issues.

Meeting our Needs

The nature and scope of civic responsibilities — for managing, financing, regulating, and planning activities — have evolved in response to the changing needs of our large urban community. These needs will continue to change as our City matures and looks toward the challenges of physical renewal, and social and economic development, in the remainder of this century.

Introduction to the Issues and the Public Hearings

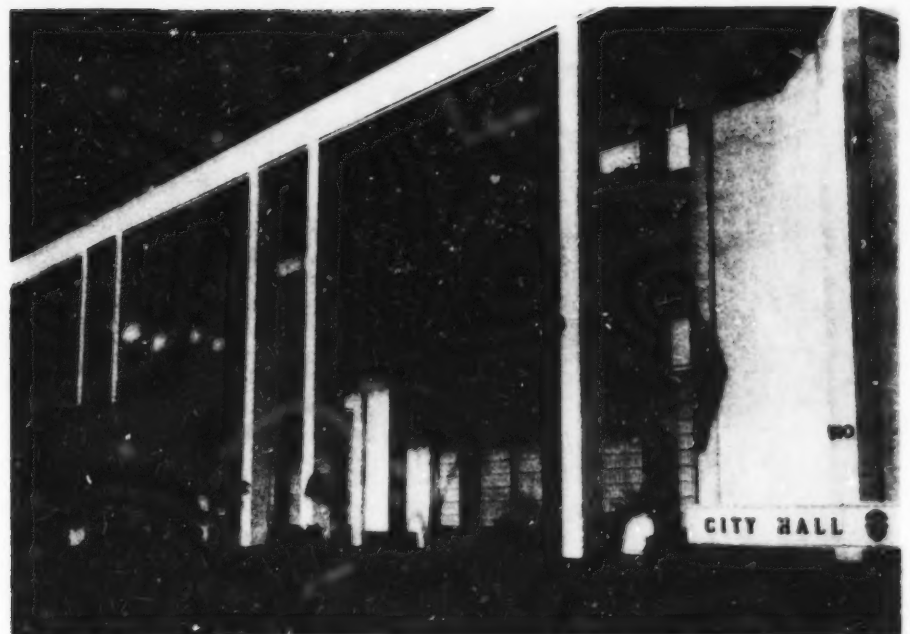
The following pages outline specific issues of public interest grouped under six headings — our terms of reference. The issue is first stated. The problems in that area are then discussed. Finally, some options for solving these problems are suggested.

The options presented should not be read as mutually exclusive; a combination "option" in some cases could be appropriate. Each option points in a general direction only and does not represent a detailed proposal at this time.

Our hearings will be largely structured along the lines of the six issues discussed in the following pages. This will enable us to explore individual issues and options with participants in considerable depth and in a concentrated period of time.

The Review Committee hopes that those who appear at our public hearings will focus their submissions on the following questions:

1. What objectives should we be seeking in city government?
2. Have we identified the key issues and problems?
3. Are there other, perhaps more important, issues and problems we have not identified?
4. Can you suggest other options?
5. What specific changes in the Act would you favour?



The Qualities of Good Government

We all want "good city government."
We probably do not agree on what that means.

The Committee has debated the issue of what good city government should be, and has decided to set out its idea of the qualities of good government for discussion.

What Does "Good City Government" Mean?

Issue:

A good city government should have authority, autonomy, and well-defined responsibilities.

Should city government be granted additional authority, autonomy, and responsibility? This would mean that the province would have to agree to give up some of its powers and might mean that it would lose control over matters which affect provincial interests. What is the appropriate balance?

A good city government should be responsive and representative.

Is city government responsive enough to individual citizens and groups? As well, does it represent the citizens effectively? These are clearly related but distinct issues. The first, responsiveness, deals with the government's ability to respond to problems brought to it. The second, representativeness, deals with its ability to reflect the wishes of a wide variety of citizens, both the majority and minorities.

A good city government should be effective.

The structure of city government can only make effectiveness possible; the people operating the structure actually produce effective government. Are there obstacles to the production of effective government in the present legal structure?

A good city government should be efficient and economical.

Particularly in the present climate of financial restraint, how does the City of Winnipeg Act in-fluence achievement in these areas?

A good city government should have a structure that produces accountability. Those with authority in government must be accountable.

To be accountable is to be held responsible for your actions. Is there sufficient accountability in the City of Winnipeg structure? Are the Mayor and the Council, individually and collectively, sufficiently accountable to the voters? To whom should public employees answer? To the Mayor, to Council committees, to Council as a whole?

A good city government should act in a coordinated and coherent fashion.

These are important in city decision-making if government is to avoid contradictory, overlapping or wasted efforts. If there is a problem of confusion in decision-making, does this arise from the Act itself or other sources? Would greater coordination imply a loss of local input and less responsiveness?

A good city government should be flexible, and adaptable.

Communities change and so do the functions of city government. Does the present structure of city government have the capacity to accommodate change and development in functions?

A good city government should have local involvement, accessibility, and openness.

Does the structure encourage citizen involvement and confidence in city government? Is there adequate two-way communication between Councillors and the public? Do different individuals and groups have relatively equal access to city government? Is city government sufficiently open in its operations? Are some functions of the City (for example, inter-governmental and public/private negotiations) exposed too early for viable agreements to be struck?



A good city government should be relatively simple, easily-understood, predictable, and fair.

Is there confusion regarding responsibility? Are there delays because of complicated procedures? Are there jurisdictional muddles within the present Act? How sweeping could changes to the city structure be and still be understood and accepted by the public? Is due process (for instance in land use approvals) adequately in place so that applicants and concerned citizens know their rights and can expect consistent treatment?

Problems:

In our view the challenges facing the city government include:

1. Concentrating power and authority in a way that enhances responsiveness and representativeness. There is a diffusion of power and authority in the present system that obscures the decision-making process (and sometimes the administrative process).
2. Increasing public understanding of the actual and potential role of municipal government.
3. Lifting the burden of complicated and cumbersome processes, which include those created by the Act itself.
4. Clarifying the delegation of power and authority. There is confusion in the following relationships: between the provincial government and the city government; between the City and its fringe areas; between the City as a whole and its constituent parts; and between the political and administrative arms of the city government.
5. Making visible the political accountability of the City's elected officials.

Options:

No one of the qualities of good city government is independent of any other. It is possible that they may conflict in certain situations.

Inevitably there is tension between various qualities of good government, each of which is desirable in itself. The Review Committee believes that a good and useful Act strikes the appropriate balance, or trade-off, between desirable qualities. We encourage participants in the review process to offer their opinions on these qualities, how they can be represented, and where the appropriate balance lies.

Solutions may be found through initiatives in one or more of several fields: legal, political, financial or educational. We encourage participants in the review process to offer their advice on the appropriate field for action as well.



Citizen Participation

Citizen participation in government takes numerous forms. In traditional political systems participation occurs through involvement in political parties and the exercise of democratic rights in elections. The City of Winnipeg Act contains some initiatives outside the traditional political structure. The Residents' Advisory Groups were an innovation in 1972 that aroused international interest. From time to time new claims upon the political structure arise but the question remains: should the Act create forms of citizen participation outside the traditional political process?

Residents' Advisory Groups

Issue:

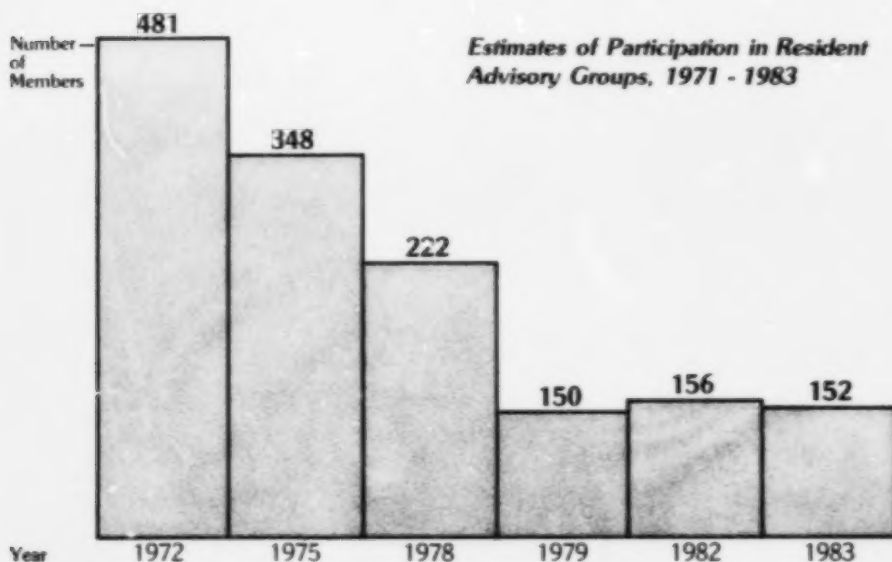
Residents' Advisory Groups (RAGs) were created in 1972 as a result of the City of Winnipeg Act. It is not clear that RAGs offer a satisfactory vehicle for citizen participation in civic affairs. The sections of the Act that create RAGs do not prescribe a clearly defined role or mandate for RAGs and City Council has never assigned specific responsibilities or resources to RAGs.

Problem:

The early history of RAGs indicates that in the early 1970s citizens were anxious to use the opportunities created by the Act to participate in civic government. By the end of the decade, however, RAG participation declined sharply, although they did continue to function. In part, single-issue oriented interest groups, community corporations, and neighbourhood resident organizations have replaced RAGs as vehicles for citizen participation. Should an attempt be made to empower RAGs, or should the evolutionary process be allowed to continue? If RAGs are empowered, this raises the issues of their relationship to Community Committees and elected City Councillors. There are, however, a variety of actions that can be considered.

Options:

1. Empower RAGs by providing them with a clearly defined mandate.
2. Do not empower RAGs, but provide them with resources including funds to allow them to prepare briefs, action area plans, etc., that could be presented to City Council.
3. Remove RAGs from the Act entirely.
4. Fund legitimate neighbourhood groups and community organizations to allow ongoing citizen participation in another form.



Source: *Evaluating Winnipeg's Unicity: Citizen Participation in Resident Advisory Groups, 1971 to 1984.*

Local Improvements and Services

Issue:

One of the key features of Unicity as it has evolved is that there is an equal standard of services throughout the City; that is, all parts of the City are provided with similar services. We believe that standards must be maintained. Some sections of the City, however, may wish to have different kinds of services, or a higher level of service. If a majority of citizens in a neighbourhood or business district are prepared to pay for either a higher level or additional service should they be allowed to do so?

The original City of Winnipeg Act of 1971 allowed each Community Committee to make local decisions on certain matters affecting that Community within an overall budget set by City Council. This was hardly used, however; and in 1977 this authority was taken away.

Problems:

Allowing different areas of the City to tax themselves above the City-wide rate could provide citizens — whether in business districts or residential neighbourhoods — with an opportunity to enhance their properties at no additional cost to other taxpayers. It might also

penalize and discriminate against poorer areas of the City.

Poorer areas of the City might require a greater expenditure by the City to attain a similar standard. The City has not developed a systematic method of decentralizing decision-making on the delivery of local services.

The City of Winnipeg Act of 1971, by creating one standard municipal property tax, eliminated the competition between the previous 12 municipal governments for tax revenues and gave the unified government the ability to create standards for services.

Options:

There are three basic approaches:

1. Allow each area to tax itself above and beyond the City-wide tax.
2. Set minimum standards for all services but let each area decide on specific services within an overall budget set by City Council.
3. Make no change in the Act.



Affirmative Action

Issue:

The City of Winnipeg should be committed to equality of opportunity in its civil service. Initial entry, as well as promotion, can be based on potential as well as actual ability to do the job. The City should also be committed to a city work force that is representative of and responsive to, the people it serves.

Problem:

Historically, certain groups have faced barriers to service in the City's administration. Equality of opportunity, it has been argued, has been denied to women, indigenous people, handicapped persons, and newly arrived immigrants. Affirmative action consists of a strategy to eliminate barriers in employment and to ensure more equitable representation of disadvantaged groups at all levels of the civil service.

Options:

The City of Winnipeg cannot solve the problems of unequal employment opportunities alone, but it could work in cooperation with senior levels of government to provide enhanced opportunities for disadvantaged groups:

1. The City Council could adopt a policy of Affirmative Action and ask departments to implement the concept by developing plans to increase over time the representation of disadvantaged groups.
2. The City could review existing hiring practices to eliminate any implicit systemic bias against disadvantage groups.
3. The City could work with other levels of government to provide enhanced employment, educational and other opportunities for disadvantaged groups.
4. This major issue could be left to the elected representatives and not legislated — in other words make no changes in the Act.
5. The City of Winnipeg Act could require Affirmative Action by the city government.

Official Languages of Canada

Issue:

Part III of the present Act establishes certain requirements for the City to communicate with residents and visitors in both official languages of Canada and Manitoba, English and French, and authorizes the City to arrange for communication in other languages as well.

Problem:

The Committee has received a number of submissions suggesting the need to clarify and reinforce the present legal requirements for French language services from the City of Winnipeg. When the amalgamated City was created in 1971, Part III of the Act was expected to ensure the preservation of at least the level of French language services enjoyed previously by the residents of the former City of St. Boniface. Recent submissions suggest that both the wording of the actual legislation and the actual practices followed by the City have failed to fulfill that expectation.

Options:

1. Retain the present legislation and rely on City Council to determine the need for improvement and expansion of French language services in civic administration.
2. Amend the Act to clarify the need to provide for the communication and delivery of services in both official languages at all centralized city offices, and at all city offices, departments and facilities serving the residents of the former City of St. Boniface.
3. Amend the Act to clarify the need to accommodate the use of both official languages in the proceedings of council and its committees, as well as the St. Boniface/St. Vital Community Committee.
4. Provide for the appointment of a statutory officer to promote and oversee the provision of services in both official languages.

Ombudsman

Issue:

Various observers have commented that there is a need for a single office which citizens could approach to deal with problems of action or inaction by the city administration.

Problem:

Do City Councillors serve as intermediaries to deal with citizen complaints about civic administration? Does reliance upon Councillors mean different treatment of individuals with the same problem because individual representatives have more commitment and skills to handle complaints? Do constituency cases provide Councillors with valuable information about City programmes? Would an Ombudsman have greater authority, time, and expertise to deal with citizen complaints? Are some people reluctant to approach an elected politician with their problems?

Options:

1. Mandate the appointment of a city ombudsman.
2. Ask the Province to extend the jurisdiction of the Provincial Ombudsman to include the City of Winnipeg.
3. Make no changes and rely on Councillors to address their constituents' concerns.

Referenda

Issue:

The Act presently allows Council to submit questions to the electorate without binding Council to the result. The questions raised in referenda may be outside the jurisdiction of Council.

Problems:

Communications received by the Review Committee indicate that there is some public sentiment in favour of binding Council to the results of referenda, particularly if the question concerns capital expenditures by the City. If Council were to be bound, only questions dealing with matters within the Council's jurisdiction could be put to the electorate.

Other Canadians believe that representative government must mean that citizens delegate authority to the elected officials so that opinions are expressed only at the ballot box.

Options:

1. Maintain the status quo.
2. Introduce provisions for binding expressions of opinions.
3. Delete provisions for referenda.



The Additional Zone

The Additional Zone is composed of lands outside the legal boundaries of the City. Although these lands are within the boundaries of the Rural Municipalities on Winnipeg's fringe, and are taxed and serviced by the Rural Municipalities, The City of Winnipeg Act assigns a major role in planning land use in the Additional Zone to the City.

Additional Zone — The City and its Neighbours

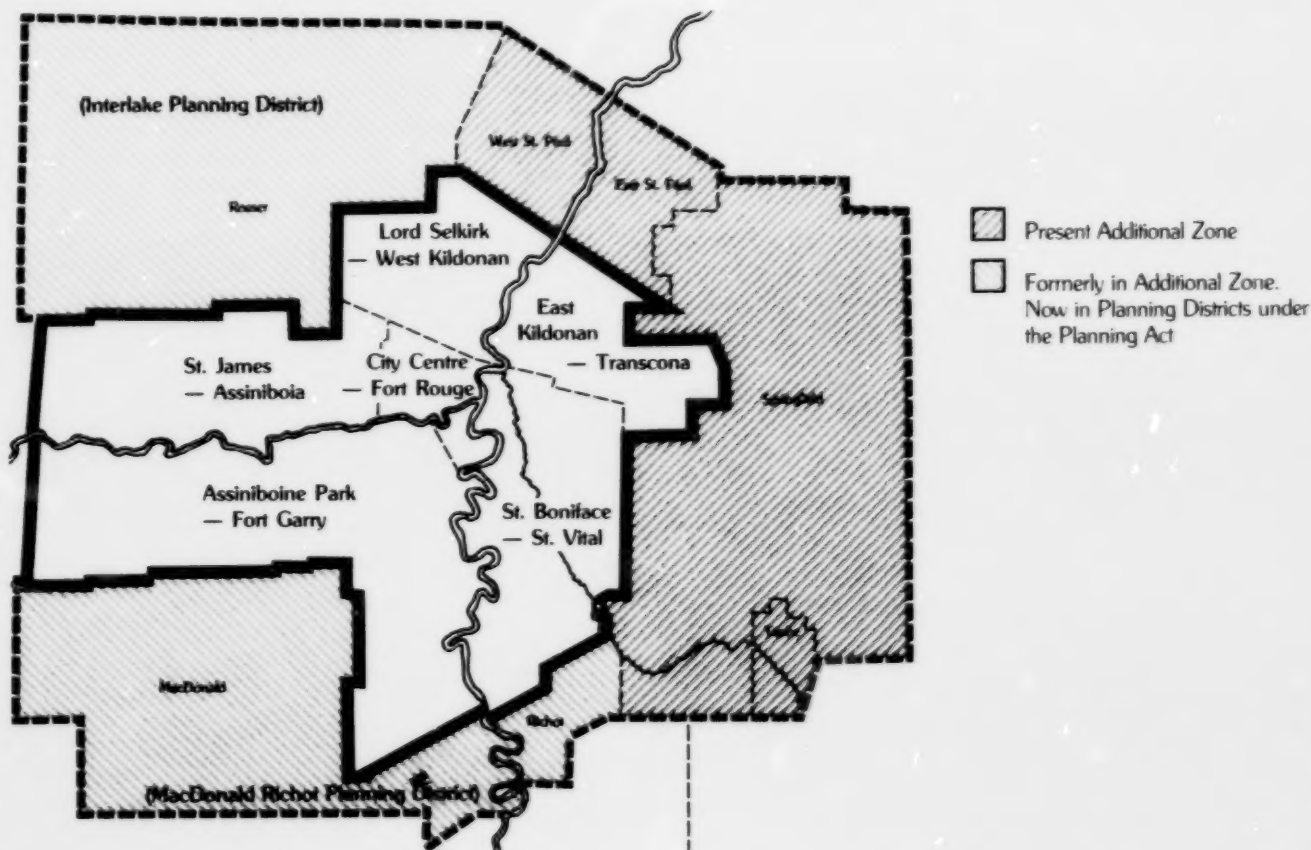
Issue:

Has the Additional Zone outlived its usefulness and the original intent for its creation? Are there

better ways and means of providing for regional decisions and of determining the balance between city and rural interests in the urban fringe and the Winnipeg commutershed?

Problems:

Currently the Additional Zone is a horseshoe shaped area around the City of Winnipeg consisting of 282 square miles, within the boundaries of six rural municipalities. Within this zone, however, the City of Winnipeg under its Act holds final subdivision and zoning authority, even though the area is outside the City's legal limits.



Many problems have emerged over the years. Land use planning and development in the fringe has often been uncoordinated and, in the worst examples, contradictory. Political sensitivities and competition are heightened as a result of this unique situation in which the City is "first among equals." Rivalries for and protection of property tax and development revenues afflict land use decisions in these jurisdictions and pose a threat to prime farmland and agricultural operators. Conflicts between the urban and rural lifestyles are intensified in the Additional Zone. As a result, communication breaks down and alleged violations of due process and equal treatment take place.

Under provisions contained in The Planning Act of 1976, the Additional Zone is being eroded by the creation of planning districts composed of two or more rural municipalities. Creation of a planning district enables the constituent municipalities to request and be granted final subdivision, zoning and planning authority by the Minister of Municipal Affairs within their part of the Additional Zone. Rosser has already withdrawn from the Zone; Macdonald and Ritchot are on their way; and Springfield and Taché are now seriously considering the same move. While these municipalities are considered predominantly rural, East and West St. Paul — the only two municipalities to be contained entirely within the Additional Zone — are particularly considered by the City as suburban communities. Plan Winnipeg is silent on the Additional Zone issue; the document essentially accepts without comment the continuation of the increasingly obsolete provisions of the old Metropolitan Development Plan.

Options:

1. Abolish the Additional Zone and vest all planning authority solely in the hands of established planning districts and perhaps individual rural municipalities if permitted.
2. Permit the City to annex parts of the Additional Zone.
3. Provide for arbitration of all disputes between jurisdictions in the Winnipeg region by the appropriate Provincial Minister(s) or the Provincial Land Use Committee of Cabinet.
4. Establish a regional appeal committee, composed of equal representation from the City, the rural planning districts, and the Province, to adjudicate all disputes; alternately delegate this responsibility to a newly constituted sub-committee of the Manitoba Municipal Board.
5. Establish a new Winnipeg Regional Planning Authority to both initiate and coordinate planning and development activities affecting two or more jurisdictions within the Winnipeg commutershed.

Provincial/Municipal Relations

As noted in the discussion of our civic constitution the City's powers and responsibilities are assigned to it by the provincial government and are defined in The City of Winnipeg Act. The situation is not always clear-cut, however.

Special Intergovernmental Authorities:**Issue:**

Are there special city problems that, for reasons of insufficient governmental cooperation, conflicting legal jurisdictions, or political sensitivity require special statutory mechanisms? Will the City and other governments cede their respective powers in specific areas to a new intergovernmental authority to provide for efficient, unified regulation and development?

Problems:

The major urban issues in this city over the past five years have been addressed within the context of specially negotiated inter-governmental agreements. The Core Area Initiative Agreement, the Red River Corridor Agreement on Recreation and Conservation (ARC), and the Urban Transportation Agreement are the three most prominent examples of such mechanisms.

Each agreement has a limited duration and no longer-term arrangement is in place with committed budget appropriations to carry on the work, to institute new projects, or to provide for ongoing operating costs. The City is particularly concerned about its inheritance of the ongoing management and financial responsibilities for the products of these agreements. Could the City of Winnipeg Act provide for a statutory institution to continue the benefits and intergovernmental cooperation begun by special five-year agreements? Could such institutions also clarify and eliminate the current morass of conflicting government jurisdictions over the rivers and riverbanks? On the other hand, are these matters best left to the City to attempt to find its own solutions?

Should this be a decision-making body? Would the creation of such a body detract from accountability within the system?

Options:

1. Establish an intergovernmental-funded "Provincial Capital Commission" and/or a "Red and Assiniboine Rivers Authority" with delegated powers over specifically designated functions, for example land use and development control, public ownership of land and other responsibilities.
2. No change.
3. Assign exclusive powers to the city or to the province.



Economic Development

Issue:

Should the City have a more active and independent role in economic development?

Problem:

Throughout the history of Winnipeg the implicit assumption has been that social development is entirely dependent on economic development. This assumption has been predicated upon hopes for sustained and rapid growth in the City's property tax base. But slow growth and increased costs of municipal services have required the City to depend more and more on funding agreements and cooperation with senior levels of government.

The major tools for controlling and directing economic development lie in the hands of the provincial or the federal government, but there is some evidence that city government can often play a crucial role in economic development. What instruments of policy are available to the City to encourage economic development? What has been done in the past? Are the City's efforts likely to have a marginal impact, yet be relatively costly, because of the far greater significance of national and international economic forces?

Options:

1. No change in the Act.
2. Devolve significant responsibility and authority for economic development from the Province to the City.
3. Permit a stronger municipal role in economic development by freeing the City from its major dependence on property taxes.
4. Provide a structure in the Act for the development of a joint federal/provincial/municipal economic development strategy.

Environmental Management**Issue:**

Who should be responsible for making management decisions on environmental questions within the City?

Problem:

Controversies have raged for many years over such questions as mosquito spraying and ground and aerial fogging, the pollution of the Red River by sewage, the location of sludge beds and gravel pits in the additional zone, and the dumping of snow containing salt and gravel along the riverbanks.

The City is not bound, as the Province is, by the provisions of the Clean Environment Act.

If the City had total jurisdiction, would the environment be adequately protected? Or does the provincial government have an overriding responsibility to enforce standards on the City which adequately protect both urban and rural residents?

Options:

1. Amend the Act to delegate to the City total jurisdiction over environmental management decisions.
2. Require the City to meet provincial regulations and standards in all areas affecting the environment.
3. Encourage greater use of the courts to define and settle environmental questions.
4. Place authority over such issues in the hands of a regional planning body.
5. No change.



Political and Administrative Organization

The Act specifies every aspect of the political organization of the city — the boundaries of wards and their number, their organization into communities, and the committees of council, the executive level of the civic administration and generally prescribes the powers and authority of each.

Political Accountability: The Mayor and Council Issue:

How can the Mayor and Council answer for their actions? How should the political structure be designed so that voters can know which leaders and groups are responsible for decisions at City Hall? Would a system in which Council was organized in groups, advocating competing policies and alternate uses of city revenues, be an improvement and encourage greater action on city-wide issues? Or does the current individualistic style of Council politics, involving shifting coalitions and trading of favours, ensure greater responsiveness to local opinion and ward interests? Should such local ward issues take second place to city-wide issues?

Problems:

The previous Review Committee (the "Taraska Committee" of 1976) argued that a broader city-wide view and greater political accountability of Council would be achieved if the Act were structured to allow for the growth of a modified parliamentary system of civic government. That Committee's recommendations were not accepted, however, and neither subsequent amendments to the Act nor political change since 1976 reflect any movement in that direction.

Others maintain that while the objectives are sound, a political means more attuned to tradition, popular sentiment, and established experience is needed to achieve them. Two basic alternatives proposed are strengthening the Mayor's position or reestablishing a senior city-wide executive council.

Voters tend not to know what civic positions Council candidates hold or how incumbents have voted except, perhaps, on ward issues or matters that attract media attention. Election to Council tends to be based more on personal qualities and local community service than on issues and commitment to join with others in a common cause.

The Mayor draws city-wide attention and could establish goals to be achieved over time, but the Mayor's position lacks authority under the Act. Voter interest and turnout in civic elections remains low. Without broad group platforms, it is difficult at best for voters to know how their council candidates contribute to city-wide political decision-making or where they will stand on the issues once elected. Without coherent public commitments to broad civic philosophies and specific legislative action Councillors and the Mayor remain relatively free, once elected, to vote as and when they please. Without greater accountability in the political system Winnipeggers have few choices and little power to determine their city's future.

Options:

1. Implement a "modified parliamentary system," with the Mayor, elected first from a ward and then by a majority of Council, to serve as leader. The Mayor and selected majority councillors would form a powerful "Cabinet" with designated "Ministerial" responsibilities. The opposition group(s) would also elect a leader who would be afforded special status and resources.
2. Implement a "strong mayor-strong council system," with the Mayor elected city-wide to have extensive power to make Council appointments, to make administrative appointments, to enter into inter-governmental agreements on behalf of the City, and perhaps to veto Council legislation. The Council could serve as either a supporter or opponent of the Mayor, would elect a leader with substantial status and resources, and could provide a legislative check on the Mayor's executive power.
3. Implement a modified two tier system composed of a small group of executive councillors including the Mayor, elected city-wide. Ward councillors would only sit on community committees, which would be given expanded powers to make local decisions. The executive council would be responsible for major city-wide decisions.
4. No fundamental change in the political system.

Size of Council and Wards

Issue:

Many people feel there are still too many Councillors. Others believe Council is too small and the wards are too large. But the right number of representatives is not a single, isolated issue; it is only a symptom of more fundamental issues:

- a) how best to improve the status, resources, authority, and job satisfaction in order to encourage high quality elected officials; and
- b) how best to provide for adequate capacity, improved efficiency, better organization, and accountability in the Council's legislative process; and
- c) how best to achieve the proper balance between development of city-wide policies and programs, decisions on localized, neighbourhood-level services and land use?

Would a reduction or increase in the size of Council be the logical step toward these objectives?

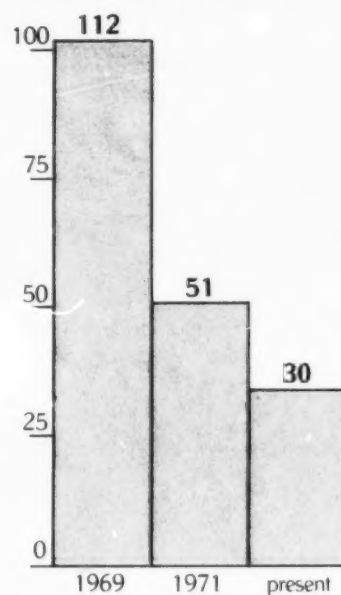
Problems:

Before Unicity in 1971, there were 112 elected representatives governing metropolitan Winnipeg. In 1971, this was reduced to 51, and in 1977, the number was further reduced to 30 (the Mayor and 29 Councillors). The time required of Councillors may be too great in relation to their own employment demands and their council compensation package in some instances too little to replace what they may lose in their jobs. Reducing the number of Councillors might make increased individual compensation more acceptable to the public and would likely require full-time service. Reducing the number of Councillors would also make the wards or community committees even larger and would require Councillors to adopt a wider perspective by virtue of their broadened constituency. On the other hand, the present wards, while larger than neighbourhoods, tend to group together largely similar areas in terms of socio-economic groupings and they generally respect historic and physical boundaries. Enlarging the wards, it is alleged, would weaken political responsiveness to local residents and broaden the economic and social composition of constituencies.

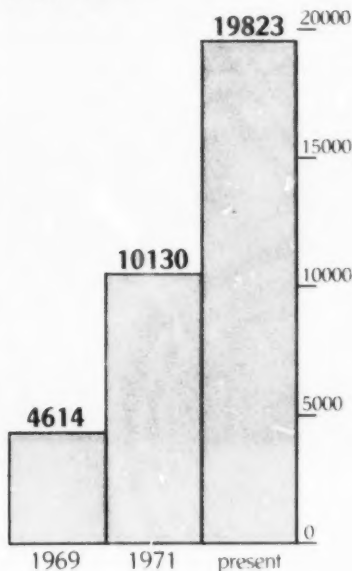
Options:

1. Use a change in the size of council as a means of emphasizing either a centralized (small council) or a decentralized (large council) system of government.
2. Use other means (different political structure, better resources available to councillors, etc.) as a means of dealing with the fundamental issues raised above.

Elected Representatives



**Average Population per
Representative**



**Method of Determining Council
Compensation and Pensions**

Issue:

There appears to be considerable public dissatisfaction with the power given to City Council to decide compensation for City Councillors and the Mayor. The Review Committee will *not* comment on or make recommendations in respect of current compensation levels or pension schemes, but the Committee will consider advice on different methods of determining all forms of compensation paid to Councillors. The questions are: who should determine compensation levels? If Council determines levels, should checks be provided to minimize abuse?

Problems:

City Council is an elected body that has traditionally had the authority to decide compensation questions. The current dissatisfaction may relate more to the level of compensation, especially in respect to pensions, than to the method of determining the level. If City Council is to attract competent and committed people, financial barriers should not be placed in the way of individuals who desire to offer themselves for service. On the other hand, many people have said Councillors should not have the right to set their own pay and benefits.

Options:

1. Do nothing and have the electorate decide on their representation through civic elections.
2. Relieve Council of authority and responsibility in this area and assign decisions on Council compensation to the Provincial Government.
3. Provide for the creation of an independent body to provide binding recommendations on Councillors' compensation.
4. Require that Councillors approve salary and other benefits prior to an election, with the new levels not to come into effect until after the election.
5. Have the Act set a base rate and provide for regular increases based upon an index of inflation.

Administrative Structure and Accountability

Issue:

Should the powers and responsibility of City Council and the Mayor for organizing the civic administration and clarifying its accountability and reporting relationships be increased?

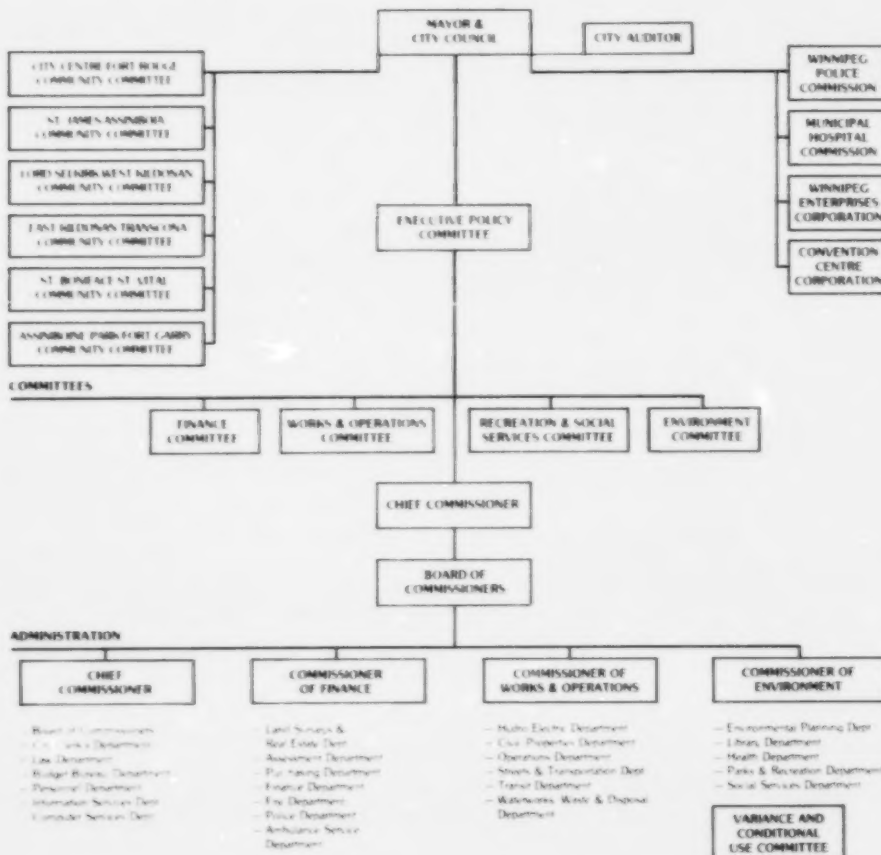
Problem:

The Board of Commissioners is not perceived to have a clear accountability line. Some see members of the Board reporting to individual Council committees, some to Executive Policy Committee, some to Council as a whole, some to the Mayor, and some see them as not being accountable at all. (The last believe the senior bureaucracy has filled the vacuum left by the

political structure.) Observers have also suggested abolishing the Board and permitting the Council-of-the-day or Mayor to organize the administration in any manner. The Act currently gives that authority to Council. Council has so far seen no reason to change either the traditional structure or the specific provisions for administrative personnel, as well as statutory officers, such as the City Clerk.

Options:

1. Deleting all provisions prescribing organization of the civic administration and placing all responsibility for bureaucratic structure and accountability on specific elected officials.
2. Clarifying the lines of accountability and retaining the Board of Commissioner system.
3. No change, since the Act now gives sufficient scope for change.





Decentralization of Power and Decision-making

Issue:

Can the issues facing the City of Winnipeg be divided into such categories as local/neighbourhood concerns, or city-wide concerns? If this is possible, are there defined decisions that Community Committees could be empowered to make without reference to the City Council and without violating city-wide policies? In the event of conflict, where should appeals be sent and how should final decisions be made?

Problems:

If the decentralization of power and decision-making is viewed as a positive development, there are nonetheless still difficulties in developing the range of issues that Community Committees could deal with exclusively. For example, should the relevant Community Committees be empowered to deal with such issues as downtown or shopping centre developments? Or is this issue best handled in an evolutionary fashion with Community Committees initially being empowered to deal with such issues as recreation and community facilities within budgets defined by City Council?

In either case, this issue raises problems in terms of the city's developing coherent policies and systems in the planning sphere. Decentralization may encourage political "log-rolling" among the members of the various Community Committees. On the other hand, the decentralization process does address such desirable features of civic government as local involvement and responsiveness. Any change to the current system will require that Council develop clear, overall policies in order to prevent abuses of the system.

Options:

1. Empower Community Committees with both resources and authority to make final decisions on certain prescribed issues.
2. Maintain the existing system where Community Committees have a narrowly prescribed role.
3. Remove from Community Committees all decision-making authority, and maintain the current structure simply as a forum for public debate.

Boards and Commissions

Issue:

As required by the Act, most city activities have been reorganized under the direct supervision of the Board of Commissioners and City Council. However, many significant areas of civic responsibility still remain under the independent control of various appointed Boards and Commissions.

Problems:

The delegation of authority to independent appointed boards and commissions may be viewed as an expeditious way of administering routine city business; a method of involving community representatives or experts in specific decisions; a convenient way for council to avoid political responsibility for contentious matters; or a serious impediment to council control and responsibility for civic policy. The Act currently allows city council to delegate or retract authority in many areas of activity, and prohibits delegation in others.

Significant City boards and commissions include:

- Winnipeg Enterprises Corporation
- Convention Centre Corporation
- Municipal Hospital Commission
- Winnipeg Parking Authority
- Winnipeg Police Commission
- Civic Charities Endorsement Bureau
- Rivers and Streams Committee
- Board of Revision
- Winnipeg Library Board
- Winnipeg Building Commission
- Employee Benefits Board
- Historical Buildings Committee
- Winnipeg Housing Rehabilitation Corporation

The City also appoints representatives to a wide variety of organizations, such as:

- Winnipeg Convention and Visitors Bureau
- Winnipeg Business Development Corporation
- Red River Exhibition
- Hospital Boards
- Heritage Winnipeg Corporation
- Old Market Square Association, Inc.
- Winnipeg Jets
- North Portage Development Corporation

Options:

1. Retain the various present legislative provisions for the delegation of civic authority to appointed boards and commissions.
2. Strengthen City Council's legal responsibility for personnel, budget and policy decisions of appointed bodies.
3. Authorize City Council to delegate its authority further with less or no legislative restrictions.
4. Restrict City Council's authority to delegate in order to place political responsibility on elected representatives.



Planning

The physical development of the city is controlled through zoning, a process of authorizing certain distinct uses for land. Various land uses entail other services — schools, streets, sewers, recreational facilities, and transit for example, that create public costs. Physical planning to control and direct land use is therefore very important for determining not only the physical development and appearance of the city, but also the long term costs of maintaining the city.

City Planning

Issue:

Part XX of the Act requires the City to prepare certain types of plans. The City believes that plans of a different character should be prepared. Should enforcement of the requirements of the present Act in Part XX be strengthened? Should greater freedom be afforded the City to plan in ways that it wishes, so long as basic minimum standards are met?

Problems:

The City has neglected to act on various sections of Part XX of the Act. Few community plans and action area plans have been adopted. Instead the City has undertaken neighbourhood planning and classification.

There are positive values associated with longer term planning, in terms of channeling investment and focusing citizen involvement, and determining the shape, structure, and environment of the City. It is the zoning by-laws, however, that still provide the legally enforceable instruments for City planning.

Options:

1. Remove the present requirements for the development of plans from the Act, and authorize City Council to establish its own planning procedures by by-law.
2. Authorize City Council to establish its own planning procedures, but retain present requirements for adoption of an overall Greater Winnipeg Development Plan.
3. Amend the planning sections of The City of Winnipeg Act to reflect and provide for current City planning procedures and priorities.
4. Keep planning requirements as they are and provide strong enforcement of the present Act's provisions.
5. Allocate primary responsibility for the Greater Winnipeg Development Plan to the Provincial Government, and require the City to administer local plans and zoning by-laws in a manner consistent with the Development Plan.



Citizen Participation in Zoning Hearings

Issue:

Where should final decisions on zoning change and variance applications be made? There is some concern that citizens have input on zoning applications only at the Community Committee level, whereas Community Committees make recommendations which need not be accepted by City Council. A major issue is also the ability and practice of some Councillors to speak and vote one way at Community Committee and another way at Council.

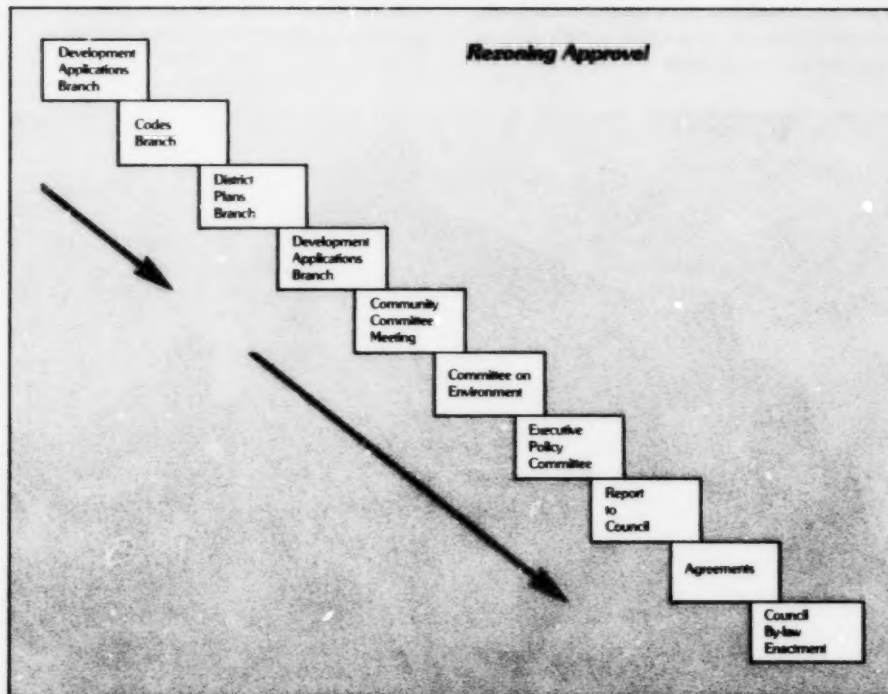
Problem:

Amendments to the Act reduced to one the number of levels at which public representation on zoning matters could be heard. This has meant that decisions or recommendations taken at a Community Committee level could be reversed at the Committee on Environment and also at full Council without citizens being heard. Reversals of Community Committee

recommendations can be very frustrating for citizens who believe that final decisions have been made, can obscure the real political responsibility, and can reduce the accountability of Councillors. The present system further strengthens the civic administration since planning department advice, which may not be congruent with citizen's advice, is heard at the Committee on Environment, along with the recommendations of the Community Committee, but citizens cannot be heard. The right to appeal a decision to a higher authority and the problem of what is a truly local decision are at issue.

Options:

1. Do nothing in the hope that the present system will work more satisfactorily in the future.
2. Delimit in the Act those types of zoning changes and/or variances that will be decided at the Community Committee level and those that may be appealed to a higher level.
3. Reopen hearings before Environment Committee to citizen representation.



Complicated Zoning and Subdivision Processes

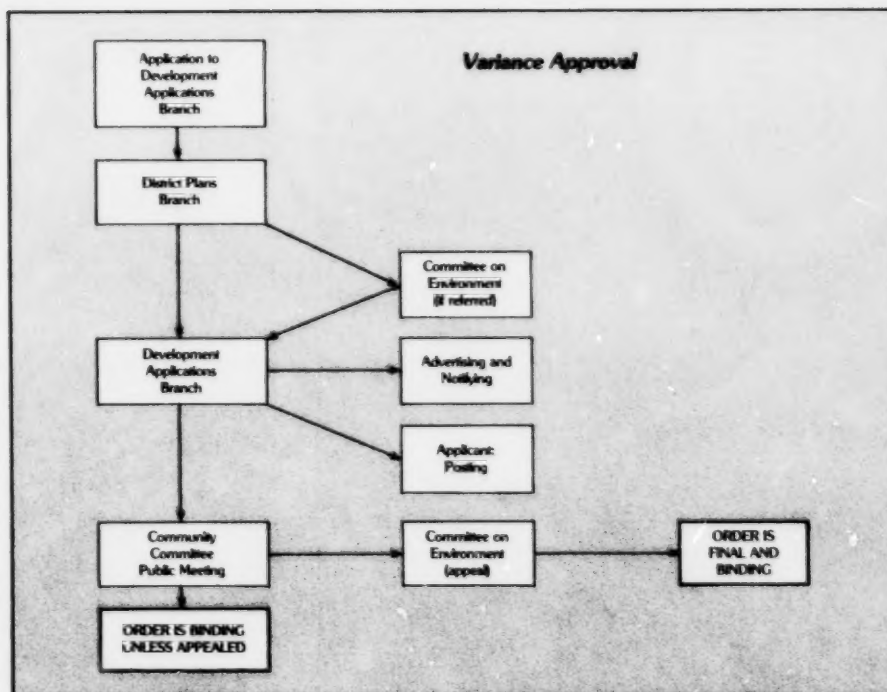
Issue:

Zoning determines the use to which land is put. Zoning is a major determinant of the character of a neighbourhood and has a significant impact on the costs of servicing borne by the city as a whole in both the long and short-terms. The intricacies and complications of the zoning process may frustrate both the citizen opposing a project as well as the developer. On the other hand some people see value in a slow process.

Problems:

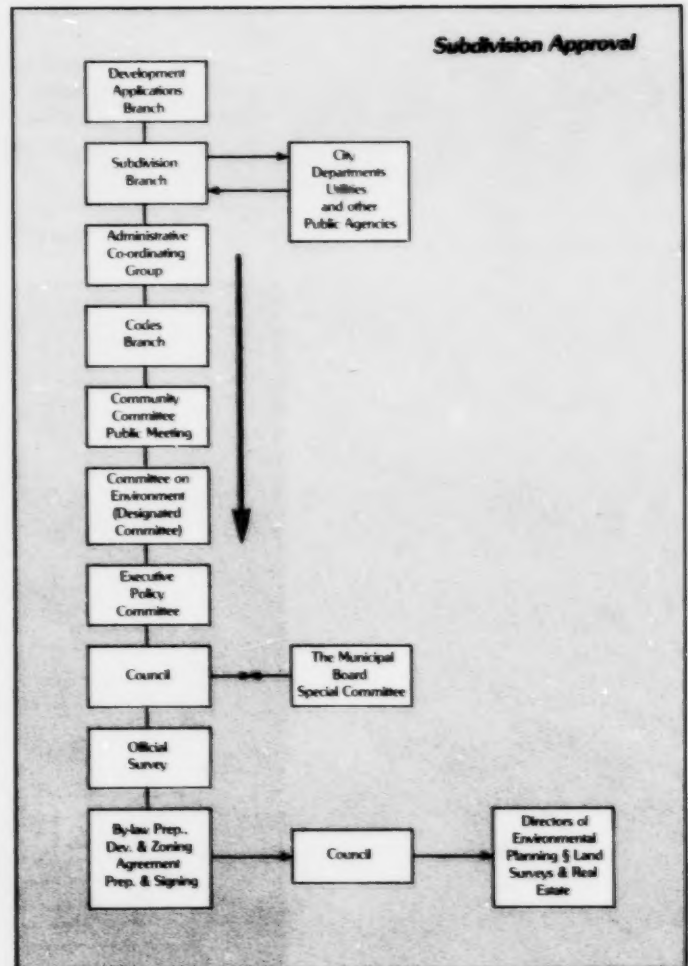
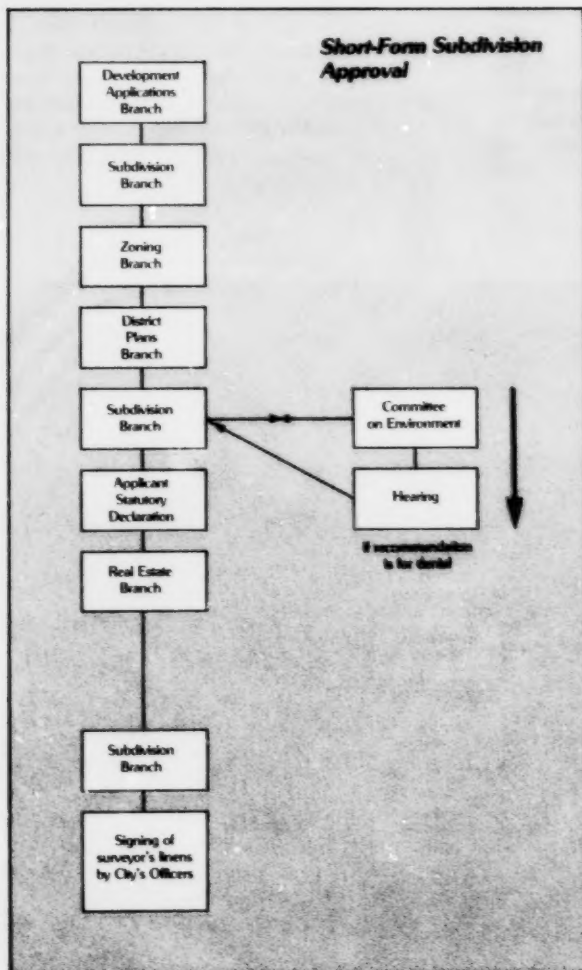
For the would-be developer the City of Winnipeg's approval process for subdivision development is complex and sometimes expensive.

For the citizen the process often appears as an unequal contest. Notices of zoning hearings in the newspapers and at the subject site are terse to the point of obscurity. To add to the complication there is not even uniformity in the definition of zones. Much of the process takes place in private negotiation between the developer, the City bureaucracy, and in some instances between Councillors. Where the City itself is the applicant as in the case of major river crossings or park developments the citizen's position appears even weaker.



Options:

1. Problems are not significant enough to require changes in the Act.
2. Provide for greater clarity and resulting detail to be given to the public and to councillors on the meaning and significance of specific zoning provisions and applications.
3. Eliminate the Act's detailed prescriptions for zoning matters and allow Council to prescribe its own process.
4. Have the Act prescribe a simple process with minimum due-process requirements to be met by the City.
5. Provide for a process of appeal of decisions in cases where the City is the applicant.



How To Find Out More

The Act

Copies of The City of Winnipeg Act may be obtained from the Queen's Printer at 200 Vaughan Street, Winnipeg at a cost of \$36.30. This price includes all the amendments to the Act since the last major revision.

Copies may be seen (but not borrowed) at most public libraries and at the Provincial Library.

Many offices of the City government, including the Community Offices have copies of the Act as well.

City Government

The City of Winnipeg publishes a Municipal Manual which is a convenient digest of facts about the City and descriptions of the city's activities and finances. It is available from the City Clerk's office and may be obtained by telephoning 946-0436.

City Councillors are excellent sources of information about our civic government. The telephone numbers of individual Councillors are listed in the Winnipeg telephone directory and in the Municipal Manual.

There is a wealth of reports and studies discussing various aspects of Winnipeg's civic government. For the general reader the following may be of use:

Brownstone, Meyer and Plunkett, R.J. *Metropolitan Winnipeg: Politics and Reform of Local Government*. Berkeley: University of California Press, 1983.

Kiernan, Matthew J. "The Fallacy of Planning Law Reform" *Urban Law and Policy* 5 (1982) 23-64.

Kiernan, Matthew J. and Walker, David C. "Winnipeg" in *City Politics in Canada*. Magnusson and Sancton, eds. Toronto: University of Toronto Press, 1983, pp. 222-254.

Manitoba. *The Development of Urban Government in the Winnipeg Area*. Edited by Dr. P.H. Wichern. Winnipeg: Queen's Printer, 1973.

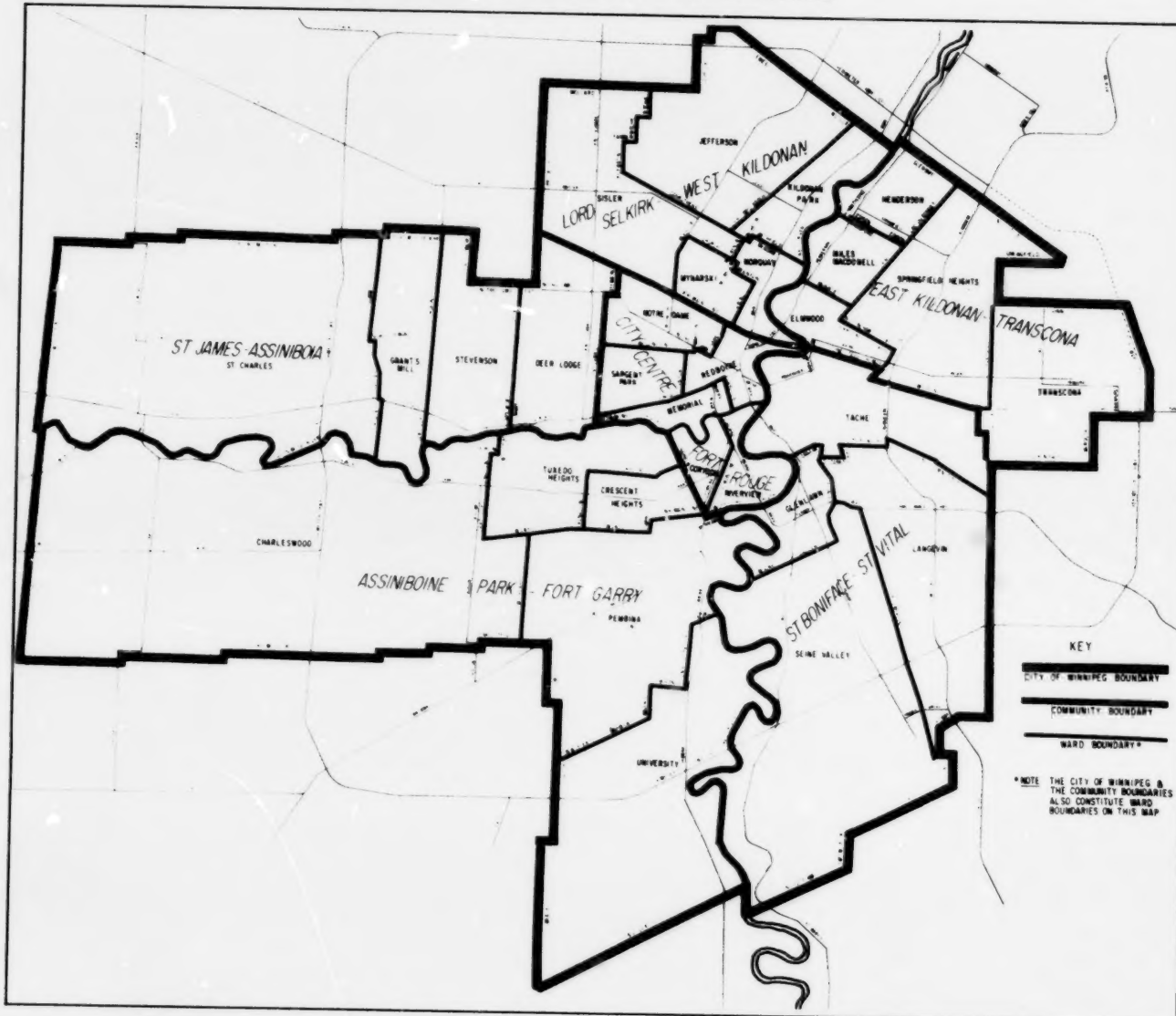
Manitoba. *Proposals for Urban Reorganization in the Greater Winnipeg Area*. Winnipeg: Queen's Printer, 1970.

Manitoba. *Report and Recommendations of the Committee of Review — City of Winnipeg Act*. Judge Peter Taraska, Chairman. Winnipeg: Queen's Printer, October, 1976.

Wichern, Philip H. *Evaluating Winnipeg's Unicity: Citizen Participation in Resident Advisory Groups, 1971 to 1984*. Research and Working Paper Number 11. Winnipeg: Institute of Urban Studies, 1984.



COMMUNITY COMMITTEE AND WARD BOUNDARIES AND WARD NAMES



General Schedule of Public Hearings

Hearings will be organized to permit an intensive examination of key issues as well as an opportunity to hear a wide-range of issues.

The Review Committee proposes to hold public hearings according to this general schedule.

	Jan.	Feb.	Mar.	Apr.
Qualities of Good Government pp. 9-11	7-18			1-4
Citizen Participation pp. 12-15	21-31			
Additional Zone pp. 16-17		4-15		
Provincial/Municipal Relations pp. 18-20		18-1		
Political and Administrative Organization pp. 21-26			4-15	
Planning pp. 27-30			18-29	
Operation and Effectiveness of the Act	throughout the public hearings			

The detailed schedule for public hearings will be published in the newspapers and sent out to those on the Committee's mailing list. (To add your name to the mailing list please write to the Committee or phone 945-2492.)

The hearings will be held at various locations around the city — generally at Community

Committee offices — and in the Additional Zone. Hearings will be held during the evening hours to allow most people to attend.

Those wishing to make submissions in French should notify the Review Committee office in order to allow time for translation services to be arranged.

The City of Winnipeg Act Review Committee

111 — 1200 Portage Avenue
Winnipeg, MB R3G 0T5
Telephone: 945-2492

CAN YOU HELP US?

For further information, please write or phone:

City of Winnipeg Act Review Committee

Room 111 — 1200 Portage Avenue

Winnipeg, MB R3G 0T5

(204) 945-2492

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